

**MINUTES**  
**14<sup>th</sup> MEETING OF 2022**  
**ANTI-CORRUPTION COMMISSION**  
**11 NOVEMBER 2022**  
**COMMISSIONS SECRETARIAT**

**COMMISSION MEMBERS PRESENT:**

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Kenrick Hall	Member
Laurence Aiolfi	Member
Romeo Frederick	Member
Kendra Foster	Member
Charles Jennings	Member

**SECRETARIAT MEMBERS PRESENT:**

Marilyn Conolly	Manager
Enola Reid	Acting Deputy Manager (for part)
Richard Oliver	Senior Investigator
Sheila Watler	Administrator/Analyst

**OTHER ATTENDEES:**

Sharon Roulstone	Ombudsman (for part)
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**1. Meeting called to Order**

The meeting was called to order at 9:35am.

**2. Conflicts of Interest**

It was noted that there were no conflicts of interest to date (save as previously disclosed) and each member was reminded of their obligation to disclose and recuse themselves should any conflict of interest arise in relation to any new matters arising during the course of the meeting.

**3. Meeting with Ombudsman**

The Chairman welcomed the Ombudsman and thanked her for accepting the invitation to meet with the ACC. She provided some background on the work of her office including its current challenges. The Chairman noted that the ACC looks forward to continuing its working relationship with the Ombudsman and her staff. In light of this, the MOU between the ACC and Office of the Ombudsman was agreed and will be signed off today by the Chairman and Ombudsman, subject to some minor amendments.

**4. Confirmation of Minutes**

The draft minutes of the meeting of 16 August 2022 were approved subject to one minor amendment and will be signed and posted on the ACC's website.

**5. Matters Arising from Previous Minutes**

**a. Amendments to the Anti-Corruption Act ("ACA")**

It was reported that the Chairman met with the Director of Public Prosecutions (DPP) on 26 October 2022 to discuss issues identified with Section 28 of the ACA. The Chairman will continue to monitor the status of amendments to the ACA and liaise as necessary with the DPP on any other legislative amendments that may be relevant to the ACC.

**b. Assessment of ACC Re: Jakarta Principles**

Members were advised that consultation services have been obtained following which a report should be completed by December 2022. The Manager was asked to continue liaising with the consultant as required for delivery of her report regarding the Jakarta Principles.

**c. Secure data/Information Transfer**

Member Kendra Foster gave an update on her and Member Romeo Frederick's findings regarding various forums for safe communication between members. They noted that two potential solutions have been identified:

- 1) utilising the ACC's domain to issue members email addresses which they can access via an App; and
- 2) issue devices to members which can be connected to the CIG network.

The Manager noted that both of these options can be explored and that the Secretariat will liaise with the Computer Services Department (CSD) to discuss various forums for safe and effective communication between members and revert with feedback.

**d. Data Protection**

Members were informed that the Information Manager (IM), from the Portfolio of the Civil Service (PoCS), is currently working with the Secretariat to review its existing data protection policies for accuracy. The Research Analyst was asked to continue interaction with the IM, PoCS and the Solicitor General's office (SG) to ensure appropriate data protection processes are in place for the ACC.

**e. MOUs with WORC and Ombudsman's Office**

It was noted that the MOU with WORC had been signed since the last meeting. Members discussed the draft MOU between the ACC and Ombudsman which was approved by the Ombudsman with minor amendments, as previously mentioned. The Secretariat was asked to amend the MOU as agreed so it could be signed by the Chairman and Ombudsman today.

**f. In-house Legal Counsel**

Members were informed that the Chairman wrote to the Governor on 22 August 2022 outlining the Commission's current thinking on the desirability/necessity of the ACC having in-house counsel.

**g. Complaints Spreadsheet**

The Chairman thanked Member Simon Whicker, the SIO and Secretariat staff for their work on the spreadsheet. Members discussed complaints received that were not investigated on the basis there was no reason to suspect the commission of an offence under the ACA. The Secretariat was asked to check whether complainants in such cases had received a closure letter and, if not, it was agreed that closure letters will be issued to all relevant complainants for complaints received from January 2021 onwards. The Secretariat will draft the said closure letters for the Chairman's review and approval.

**h. Annual Report**

Members were informed that the ACC Annual Report 2021 – 2022 was completed and is currently with the Governor for tabling. The Secretariat was asked to post the report on the ACC website in accordance with the customary timetable of fourteen calendar days past the date it was sent to the Governor (27 October 2022).

**6. New Business**

**a. ACC Website**

The Chairman noted that he reviewed the ACC website and opined that it is not user-friendly. As such, it is in need of some revamping. The Manager advised that the Secretariat will explore external sources and initiate a bidding process to review and update the website.

**b. Secretariat Matters**

- i. Members were informed that the Secretariat is currently undergoing an organisational review by the PoCS. PoCS is also looking at its staffing issues and that a report with recommendations to improve outcomes will be completed soon. The Manager added that the report will determine whether the Secretariat is fit for purpose.
- ii. A new Acting Deputy Manager (ADM) has been hired until the post is filled permanently. ADM Enola Reid was introduced to Members who welcomed her on-board.
- iii. The temporary Administrative Officer will be with the Secretariat for a short time longer. Members were also informed that the Public Relations & Education Coordinator has recently resigned.
- iv. The Manager thanked the Administrator/Analyst and Research Analyst for liaising with Members while she was out of office.
- v. The Secretariat is moving towards paying Members via Electronic Transfer as opposed to cheques.
- vi. Holiday closure hours are 23 December 2022 and 30<sup>th</sup> December 2022 (full day). The Secretariat will have limited staff throughout the month of December and the ACC is encouraged to advise of any matters, as they arrive, during this time.
- vii. The Manager mentioned the SIO's and ACC Investigator Team's recent success in a court case.

- viii. The Manager noted that two new investigators will commence work on 3 January 2023.
- ix. The internal HR investigation by PoCS remains ongoing.

**7. CFATF/AMLSG Related Updates**

The Chairman advised that he attended CFATF/AMLSG meetings on 18 August 2022 and 27 October 2022 and that the CFATF will be holding its Plenary in the Cayman Islands this month (27 November – 2 December). Three hundred participants are expected to attend which includes 21 Caribbean countries and representatives from the UK, US, Canada, the World Bank and the United Nations. Participating member groups of the AMLSG, such as the ACC, have been asked to contribute monetarily and the Manager was asked to review the budget and allocate funds to contribute to the costs of the CFATF Plenary. It was noted that the Chairman and the SIO would attend meetings at the Plenary. It was also noted that the Chairman had met with the National Intelligence Coordinator.

**8. Operational Update**

**a. Outstanding Matters**

**i. Op San Juan**

Members were updated on this matter. It was agreed that the SIO should follow-up with the DPP on any further steps to be taken.

**ii. ACC/COMP/2020/008**

Members were updated on this matter. It was agreed that the SIO should contact the complainant to ascertain the status of the matter in view of the complainant also interacting with the Office of the Ombudsman and revert to the ACC.

**iii. ACC/COMP/2021/002**

Members were advised that the Commission still awaited advice from the ODPP on a point of law and it was agreed that no decision could be taken on the matter before that advice was received and that the Chairman would continue to follow-up with the ODPP on the status of the advice. Member Laurence Aiolfi recused himself from this matter before discussions took place.

**iv. ACC/COMP/2021/012**

Members were updated on this matter. It was agreed there was no reason to suspect the commission of an offence under the ACA and that a closure letter should be issued to the complainant to advise accordingly.

**v. ACC/COMP/2022/006**

Members were updated on this matter. It was noted that the necessary consultation with the DPP in accordance with Section 28(6) of the ACA had

taken place and it was agreed that a closure letter should be issued to the complainant, by the SIO, pursuant to Section 28(7) of the ACA.

**b. New/TBC Corruption Reports/Complaints**

There were three new reports/complaints to be considered as follows:

i. **ACC/COMP/2022/009**

Members reviewed the complaint and it was agreed that before a decision was made on whether or not to proceed to an investigation, the SIO should seek further information from the agency in question and report back to the Commission.

ii. **ACC/COMP/2022/010**

Members were advised of the background of this matter by Member Simon Whicker and the SIO. It was agreed that the Commission should await receipt of the ODPP's advice on a point of law before determining whether or not to proceed to an investigation.

iii. **ACC/COMP/2022/011**

Members reviewed the matter and it was agreed that there was no reason to suspect the commission of an offence under the ACA and that the matter should be closed. The complainant will be advised accordingly.

**c. SIO Report**

The SIO briefed Members on updates to ongoing investigations, including the most recent corruption case which was successful in court. It was also agreed that Operation Havana be closed.

**d. Existing Corruption Reports/Complaints Statistics**

The Commission was informed that since inception (1<sup>st</sup> Jan. 2010) there have been 158 investigations registered by the Commission, of which:

- i. 3 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- ii. 133 have been concluded;
- iii. 10 have been transferred to other investigative units for action;
- iv. 12 are now under current active investigation; and
- v. 0 is being assessed/considered.

The internal spreadsheet which provides details of the investigations will continue to be updated on a monthly basis.

**9. Any Other Business**

- a. It was noted that Member Kenrick Hall's term expires in December 2022 and that today's meeting will be his last as a member of the ACC. The Chairman thanked him for

his invaluable contribution during the past five years on the ACC and wished him well in his future endeavours.

- b. Members were informed about the Code of Conduct document provided by the Secretariat. The Chairman advised that he would review the document and confirm whether Members would be required to sign it.

## **10. Action Items**

The Commission and Secretariat agreed to:-

- a) Continue to monitor the status of amendments to the ACA and liaise as necessary with the DPP on any other legislative amendments that may be relevant to the ACC as detailed in item 5.a. above (Chairman);
- b) Continue liaising with the consultant as required for delivery of her report regarding the Jakarta Principles as detailed in item 5.b. above (Manager & SIO);
- c) Liaise with CSD to discuss various forums for safe and effective communication between members and revert with feedback as detailed in item 5.c. above (Manager and Members Kendra Foster and Romeo Frederick);
- d) Continue interaction with the IM, PoCS and AGC to ensure appropriate data protection processes are in place for the ACC as detailed in item 5.d above (Secretariat/Research analyst);
- e) Sign MOU with Ombudsman and finalise definitive list of MOUs for the ACC as detailed in item 5.e above (Chairman and Research Analyst);
- f) Draft closure letters for the Chairman's review as detailed in item 5.g above (Secretariat);
- g) Post the Annual Report on the ACC website in accordance with customary timetable as detailed in item 5.h above (Secretariat);
- h) Explore external sources and initiate a bidding process to review and update the ACC website as detailed in item 6.a above (Manager);
- i) Review the budget and allocate funds to contribute to the costs of the CFATF Plenary as detailed in item 7 above (Manager);
- j) Follow up with the DPP on any further steps to be taken in regard to Op San Juan as detailed in item 8.a.i above (SIO);
- k) Speak to complainant in ACC/COMP/2020/08 to ascertain status as detailed in item 8.a.ii above (SIO);
- l) Draft closure letter for ACC/COMP/2021/012 as detailed in item 8.a.iv above (Secretariat);
- m) Send closure letter for ACC/COMP/2022/06 pursuant to Section 28(7) ACA as detailed in item 8.a.v (SIO);
- n) Follow up with the relevant agency in relation to ACC/COMP/2022/09 as detailed in item 8.b.i (SIO);
- o) Draft closure letter for ACC/COMP/2022/011 as detailed in item 8.b.iii; and
- p) Review Code of Conduct document in the form presented to the meeting and advise Members further as detailed in item 9.b. above (Chairman).

## **11. Items to be Discussed at the Next Meeting**

- a. Amendments to the Anti-Corruption Act
- b. Assessment of ACC Re: Jakarta Principles

- c. Secure data/Information Transfer
- d. Data Protection
- e. Op San Juan
- f. ACC/COMP/2020/008
- g. ACC/COMP/2021/002
- h. ACC/COMP/2022/009
- i. ACC/COMP/2022/010

**12. Date of the Next Meeting**

The date of the next meeting was agreed for Friday, 13<sup>th</sup> January, 2023 at 10:00am.

**13. Adjournment**

The meeting was adjourned at 1:38pm.



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**Adrian (Gus) Pope**  
**CHAIRMAN**  
**ANTI-CORRUPTION COMMISSION**